

MONTGOMERY COUNTY DEPARTMENT OF POLICE



ANNUAL USE OF FORCE REPORT 2020

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Chief's Message:

The Montgomery County Police Department has issued reports on our use of force since 2002. This report is different because we are in the midst of an important national discussion about how police officers use force and under what conditions. Congress is considering legislation, as is our General Assembly in Maryland and as are many jurisdictions around the country.

Here in Montgomery County, our County Council in 2020 passed legislation, signed by the County Executive, that restricts certain types of force that our officers are allowed to employ.

As a result of that legislation, the Department is revising its use of force policy that guides officers in their day-to-day work to make it clear that force is a last resort, and that officers use the minimum amount of force necessary in any situation and that we employ de-escalation techniques first. Also last year, we reached an agreement with the Fraternal Order of Police to make it clear officers are required to step in if they see another officer using excessive force.

It is important to recognize that use of force statistics can be misread or misinterpreted. Just as the image of a police pursuit can create an image of a long, involved car chase, which is not the case, use of force in response to resistance can create the image of officers using their weapons which is not the case in the vast majority of cases.

In 2020, there were 474 uses of force in response to resistance reported, a decrease of 14 percent from 2019. That means force was used by officers in 0.25 percent of the total dispatched calls for service, and only used in 3.3 percent of all arrests made by officers. In about 80 percent of incidents, officers used no protective instruments or weapons. Instead, officers used only their hands while attempting to place a subject in custody or otherwise gain control of them. Similarly, this was the most common type of force used against our officers by subjects, in a year in which the number of assaults on officers dropped by 7 percent.

We believe that letting the public know what we do to enforce the law and how we do it is one of the cornerstones to forging a bond of trust and respect between the Department and the public we serve. We take complaints about inappropriate and unnecessary uses of force seriously; that is why all complaints are promptly and thoroughly investigated by our Internal Affairs Division, and in some cases, these cases are reviewed by an agency outside of Montgomery County.

There is a great deal of information contained in this report. I encourage you to contact me with any specific questions via e-mail at CHIEFMCPD@montgomerycountymd.gov



A handwritten signature of Marcus G. Jones in black ink.

Marcus G. Jones
Chief of Police

INTRODUCTION

The information presented in this annual report is obtained from the *Use of Force* reports completed by officers for incidents in calendar year 2020 where some type of force was used in response to resistance. This report is intended to provide an overview of these incidents and to also identify trends and other issues that need to be addressed. Since each use of force report is reviewed by supervisors and command staff at various levels within the department, individual events are not captured in this report, except for those that may involve unusual circumstances or need further clarification.

On June 15, 2020, Bill 33-19, Section 35-6A, Community Policing was signed into law by the County Executive. The bill established a framework for certain community policing guidelines, requires the Montgomery County Police Department (MCPD) to collect specific data, submit reports, and make certain legislative findings. The legislation includes specific provisions that impact this department's use of force policy, resulting in an effort by the MCPD Use of Force and Weapons Review Committee to review and revise Function Code (FC) 131 - Use of Force/Response to Resistance. The Use of Force and Weapons Review Committee is required by department policy to conduct a review of the department's use of force policy, procedures, training, and operations and make any necessary recommendations to the Chief of Police at least annually.

Revised FC 131 reflects several substantive changes to not only meet the legislative mandates of Bill 33-19, but it also reflects best practices and recommendations published by nationally recognized and respected organizations such as the Police Executive Research Forum (PERF). The revised policy will also require an update to the department's use of force/response to resistance training program which is ongoing at this time. Once all required training for officers is completed, the new policy will be issued under the authority of the Chief of Police and the current policy will be rescinded.

On July 29, 2020, the Montgomery County Council passed Bill 27-20 (*Police Regulations - Use of Force Policy*) which was signed into law by the County Executive on August 10, 2020. Bill 27-20 requires the Chief of Police to adopt a policy directive regarding the use of force and requires the use of force policy to include certain minimum standards, including standards regarding the use of deadly force, a prohibition on the use of carotid and neck restraints, and required intervention by officers when another officer is violating law or policy. Details of the legislation can be viewed here—<https://apps.montgomerycountymd.gov/ccllims/BillDetailsPage?RecordId=2666&fullTextSearch=27-20>

The types of force used by police can include verbal, physical, chemical, impact, electronic, and firearms. When a police officer decides to use force, it must be both proportional and immediately necessary. This assessment is specific to the time, place, officer, and all of the situational conditions that inform the totality of the circumstances test which ultimately determines reasonableness, and reasonableness, in turn, establishes what is lawful.

When a police officer confronts a situation that requires force, they are guided by three fundamental principles:

1. Substantive law (statutory law on use of force in policing)
2. Agency policies, procedures, and training
3. Procedural law (case law on applying force)

These principles converge with situational circumstances that include the subject and the environment where interactions with law enforcement occur and dictate the type and amount of force permitted.

MCPD has historically and consistently established use of force policies based on these fundamental principles that prioritize the safety and dignity of every human life, including the life of its police

officers, and in compliance with the Constitution of the United States and the State of Maryland, as well as case law established by the Supreme Court of the United States.

Bill 27-20 required the Chief of Police to issue a policy directive that establishes the permissible use of force by members of the police and to establish minimum standards in its use of force policy. Some of these minimum standards were already codified in department policy such as the prioritization of the safety and dignity of every human life, employing deadly force only in those situations where there is a threat of imminent and serious bodily injury or death to the officer or another person, emphasizing that the use of lateral vascular neck restraints is considered deadly force (and has not been part of the department's defensive tactics training program for 20 years), the use force against fleeing felons, and prohibitions against officers shooting from a moving vehicle unless circumstances would authorize the use of deadly force.

MCPD's use of force policies reflect current research and best practices published and recommended by organizations such as the Police Executive Research Forum (PERF) and the International Association of Chiefs of Police (IACP). In fact, in 2016, several MCPD executives and subject matter experts participated in a series of meetings that ultimately led to publication of *PERF's 30 Guiding Principles on Use of Force*. In this regard, MCPD has always served to be proactive in its approach to policy development and training to ensure that its guidance to officers is clear and reflect current research, best practices, and case law, and stress accountability for violations of policy or legal mandates. The department continuously strives to ensure its policies reflect evidence-based research and are consistent with best practices and national trends.

In addition, annual reporting and analysis of department use of force policies and procedures is required by the *Commission on Accreditation for Law Enforcement Agencies* (CALEA) to help agencies identify policy modifications, trends, improve training and officer safety, and provide timely information for the agency to promptly address use of force issues. The CALEA Law Enforcement Accreditation Program is the primary method for a police agency to voluntarily demonstrate their commitment to excellence in law enforcement by systematically conducting an ongoing internal review and assessment of the agency's operations, policies and procedures, and make adjustments wherever necessary to meet a body of internationally accepted standards. The Montgomery County Department of Police is dedicated to creating a culture of safety, transparency, and accountability and has been a CALEA-accredited law enforcement agency since 1993.

The authority to use force in response to resistance when legitimately required to do so remains a foundational pillar of the rule of law and is essential to keep communities safe and to protect the officers charged with enforcing the law. Interactions with uncooperative subjects who are physically resistant present situations that may quickly escalate. Ideally, an officer is able to gain cooperation in such situations through the use of verbal persuasion and de-escalation. However, there are times when an officer's use of force to gain control in these and other circumstances is required.

Use of force in response to resistance by police officers is a necessary course of action to restore safety and order in a community when all other means are ineffective. **The level of force an officer uses in response to resistance varies based on the dynamics of each and every encounter.** An officer's goal is to regain control of the situation and subject as soon as possible, while at the same time protecting themselves, their fellow officers, and members of the public that may be at risk. Nevertheless, when it is practicable, officers strive to always de-escalate a situation before resorting to using any type of force.

The police department's *Use of Force Policy* (FC 131) states that officers may only use force which is objectively reasonable to make an arrest; an investigatory stop/detention or other seizure; or in the performance of their lawful duties, to protect themselves or others from personal attack, physical resistance, harm, or death. The decision to exercise force must be based upon the circumstances that

the officer reasonably believes to exist. In determining the appropriate level of force to be used by an officer, the nature of the threat or resistance faced or perceived by the officer as compared to the force employed should be considered. However, officers must sometimes make split-second decisions about the amount of force that is necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Per department policy, an officer is required to complete a *Use of Force Report*, and an event report, for an incident that involves any of the following circumstances:

- *Anytime force is used to counteract a physical struggle.*
- *Following the use of any force which results in an injury to an individual.*
- *When an individual claims to have been injured as a result of use of force.*
- *Whenever force is applied using a protective instrument.*
- *Whenever a firearm is discharged other than authorized target practice.*
- *Whenever a department canine inflicts injury on any subject or suspect in conjunction with a canine deployment.*
- *Anytime an officer is assaulted or ambushed.*

An on-duty patrol supervisor is required to respond to all *Electronic Control Weapon* (ECW) deployments, firearm discharges (except for the humane destruction of non-domestic animals), use of 12-gauge impact projectiles, and any use of force incident that results in serious bodily injury or in-custody death. Supervisors are also required to notify the MCPD Major Crimes Division of any situations that meet the following criteria:

- *All intentional firearm discharges by an employee, whether injuries occur or not, with the exception of authorized range practice or the destruction of dangerous or injured animals;*
- *All accidental firearm discharges by an employee that result in an injury to anyone, including the involved officer; and*
- *All incidents where an individual sustains life-threatening injury as a result of police action.*

All use of force reports are reviewed to verify compliance with department policy by a patrol supervisor, a District Executive, and an Assistant Chief of the respective bureau depending on the organizational component the involved officer(s) is assigned to. Moreover, the department's *Body Worn Camera* (BWC) program includes approximately 1,000 officers who are equipped with cameras. This technology helps document interactions between the police and individuals involved in the majority of calls for service. The department's use of force policy requires supervisors to review all body camera footage captured for all incidents where officers use any type of force in response to resistance. These cameras help promote agency accountability and transparency, and are useful tools for increasing officer professionalism, improving officer training, preserving evidence, supporting prosecutions, and accurately documenting encounters with the public.

STATISTICAL OVERVIEW

Based on a comprehensive review and analysis of the use of force reports submitted by MCPD officers in 2020, the following are highlights of the results that are detailed in various sections throughout this report:

- MCPD officers reported a total of 474 use of force incidents in response to resistance.
- Force was only used by officers in 0.25% of the total dispatched calls for service.
- Five districts, *Bethesda*, (2D), *Silver Spring* (3D), *Wheaton* (4D), *Germantown* (5D), and *Gaithersburg* (6D) experienced decreases in the number of reported use of force incidents from the previous year, while one district, *Rockville* (1D), reported an increase.
- *Making arrests* (or attempting to make arrests), *serving emergency evaluation petitions*, and *defending against assaults* constituted 94% of the incidents where some type of force in response to resistance was necessary.
- Calls for service involving *assaults*, *narcotics/DUI offenses*, *mental illness*, and *disorderly conduct* accounted for 73% of all reported use of force incidents.
- The type of force most commonly used by *officers* in response to resistance was hands, which was used in 80% of use of force incidents, and it was also the most common type of force used against officers by *subjects* (87%).
- *Electronic Control Weapons* (ECWs) deployments increased almost 3%.
- Injuries sustained by *officers* decreased 68%, and injuries to *subjects* decreased 58%. As in previous years, the most common injuries reported by both *officers* and *subjects* were *bruises/soreness* and *lacerations/abrasions*.
- There was a 79% decrease in the number of *officers* requiring *first aid*, and a 67% decrease in *officers* requiring treatment at *hospitals* for injuries sustained during use of force incidents. There was a decrease of 60% in *subjects* requiring *first aid*, and a decrease of 29% in the number of *subjects* being transported to *hospitals* for treatment.
- Approximately 95% of the *subjects* involved in use of force incidents were reported to be *under the influence of alcohol and/or drugs* or suffering from some form of *mental illness*.
- Approximately 55% of the *subjects* involved in use of force incidents were *African American*. *Caucasian* subjects were involved in 22% of the incidents, *Asian or Pacific Islander* subjects were involved in 2% of incidents, and *Hispanic* subjects were involved in 20% of use of force incidents.
- *Subjects* ages 18-39 accounted for 78% of the reported use of force incidents. The average age of the *subjects* involved in use of force incidents was 32.
- *Officers* in the 21-39 age groups were involved in 60% of use of force incidents. The average age of the *officers* involved in these incidents was 38.
- Approximately 79% of the *subjects* and 86% of the *officers* involved in reported use of force incidents were *male*.
- The number of assaults reported on *officers* decreased 7%, and two officers reported being ambushed.
- There were four deadly force-related incidents and no in-custody deaths reported.

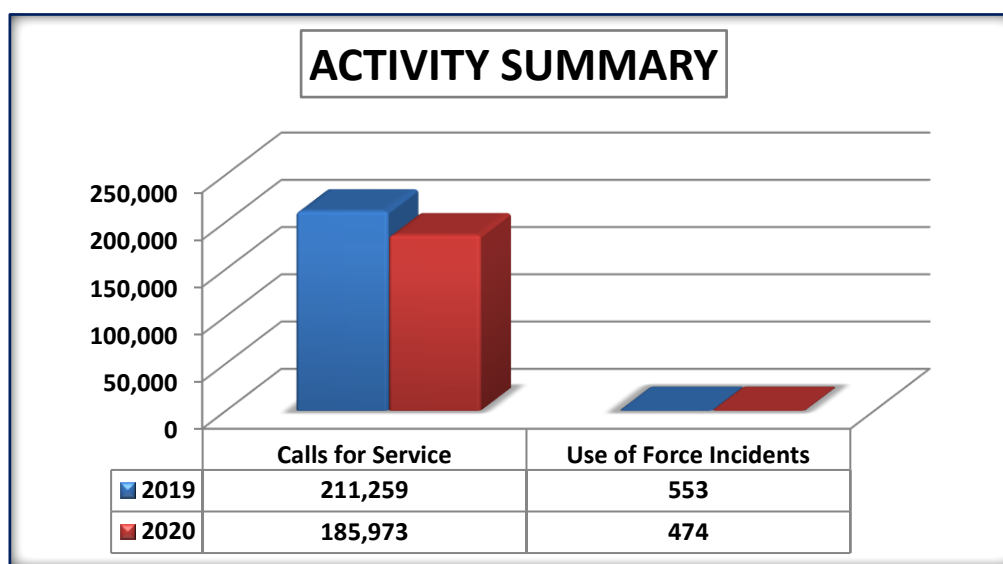
ANALYSIS

The following table summarizes the *calls for service* and *use of force reports* submitted in 2020 compared to 2019.

Category	2020	2019	% Change +/-
Calls for Service	185,973	211,259	-11.9
Use of Force Reports	474	553	-14.3

This data indicates force being used in only 0.25% of the calls for service made in 2020, compared to 0.26% of the calls for service recorded in 2019. The incidence rate of the use of force compared to the calls for service has remained relatively consistent over the past five years (an average of 0.24%) and indicates that for the overwhelming majority of calls for service officers rarely use force in response to resistance in the performance of their duties.

A summary of MCPD activity for 2020 compared to 2019 is provided in the following chart.

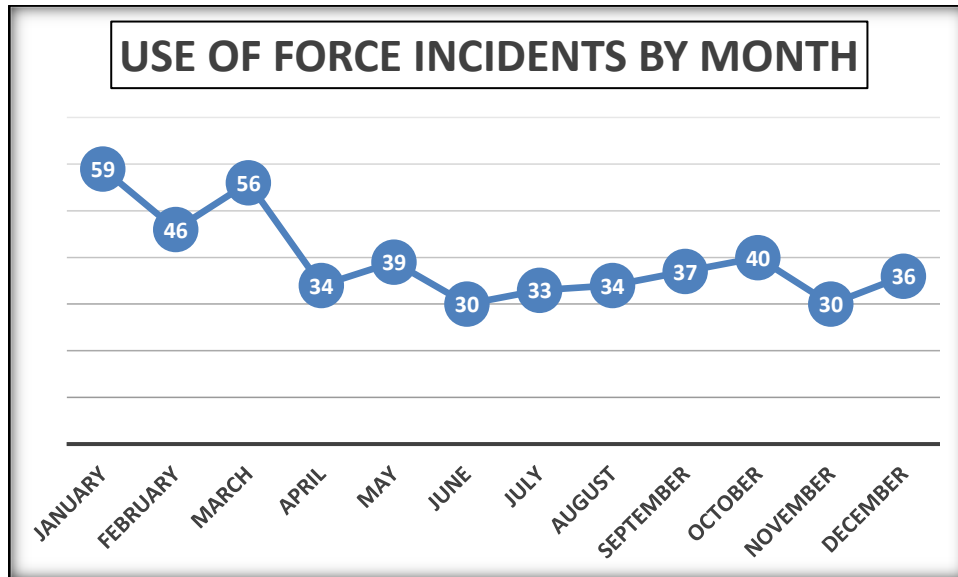


In 2020, there were 17 use of force-related cases opened involving 33 allegations received from external and internal sources reviewed by the MCPD Internal Affairs Division (IAD), compared to 28 cases and 58 allegations received in 2019. IAD ensures that all allegations, regardless of their source, are thoroughly reviewed and investigated, and that corrective action is taken for any improper conduct.

IAD also ensures that employees are protected from unwarranted criticism for properly engaging in their duties. Specific information regarding these investigations is summarized in IAD annual reports that are published on the department's website, and IAD also shares pertinent data as part of the County's Open [Government] Data Initiative (*dataMontgomery*), which is an integral element of the department's community policing philosophy and ongoing commitment to maintaining a culture of transparency with the public. Summary information concerning allegations/complaints brought to the attention of IAD from external or internal sources can be reviewed at <https://data.montgomerycountymd.gov/Public-Safety/Internal-Affairs-Allegations/usip-62e2>.

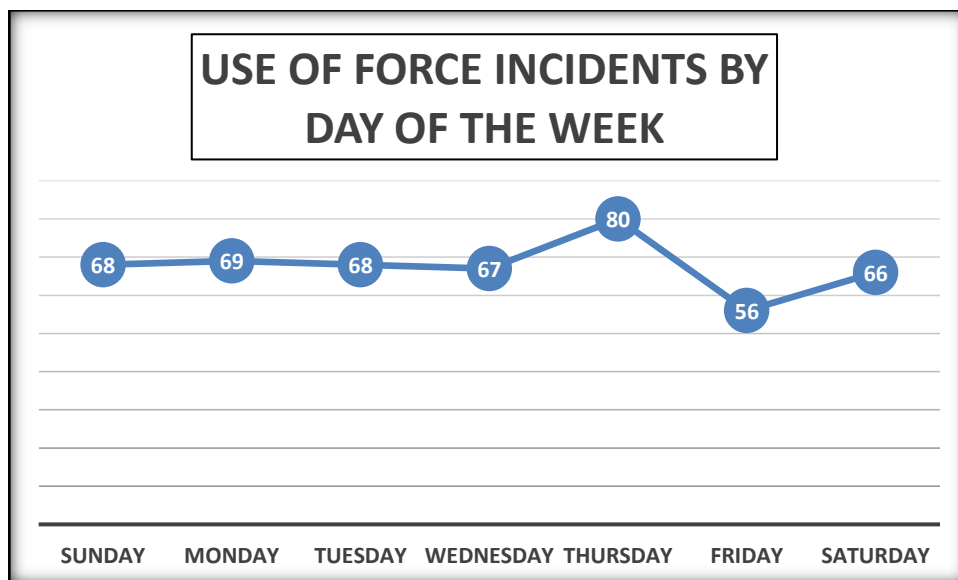
USE OF FORCE IN RESPONSE TO RESISTANCE-FREQUENCY OF OCCURRENCE

The graph below shows incidents involving force in response to resistance by month.



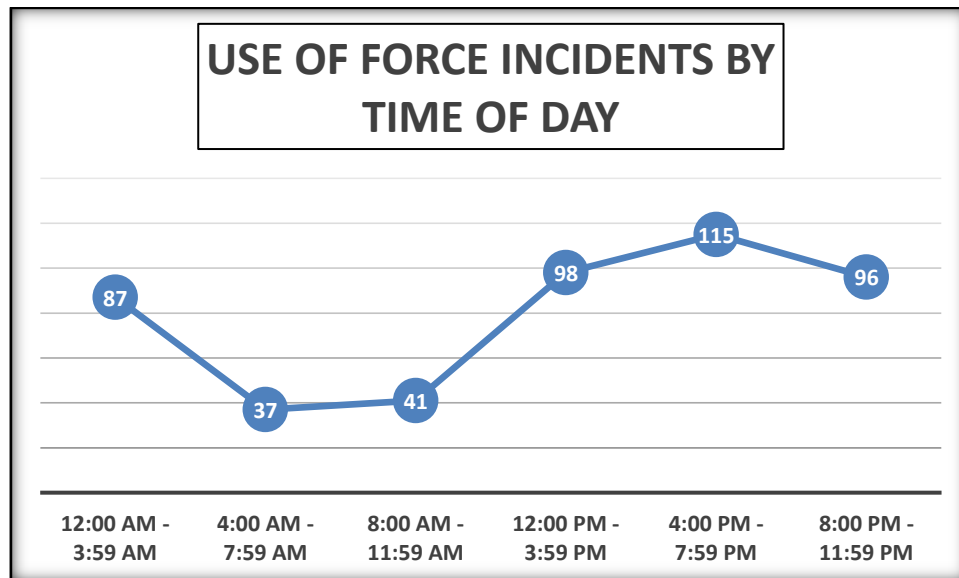
In 2020, the months of *January* and *March* reported the highest number of incidents in which force was used in response to resistance, each with 12%. *June* and *November* reported the fewest incidents, each with 6%. The remaining months had an average of 37 incidents per month.

The graph below shows incidents involving force in response to resistance by the day of the week.



The data shows that in 2020, incidents involving force in response to resistance occurred consistently throughout most days of the week, with *Thursday* reporting the most incidents, 17%, and *Friday* reporting the fewest incidents, 12%.

The graph below shows incidents involving force in response to resistance by the time of day in which the incident occurred.



The data in 2020 shows a “roller coaster” trend in that the rate of incidents of force occurrence steadily increased through the morning and mid-afternoon (8:00AM – 4:00PM, 29%), peaked in the evening between 4:00 PM and 7:59 PM, (24%). then declined in late night and early morning hours (8:00PM – 8:00AM, 46%).

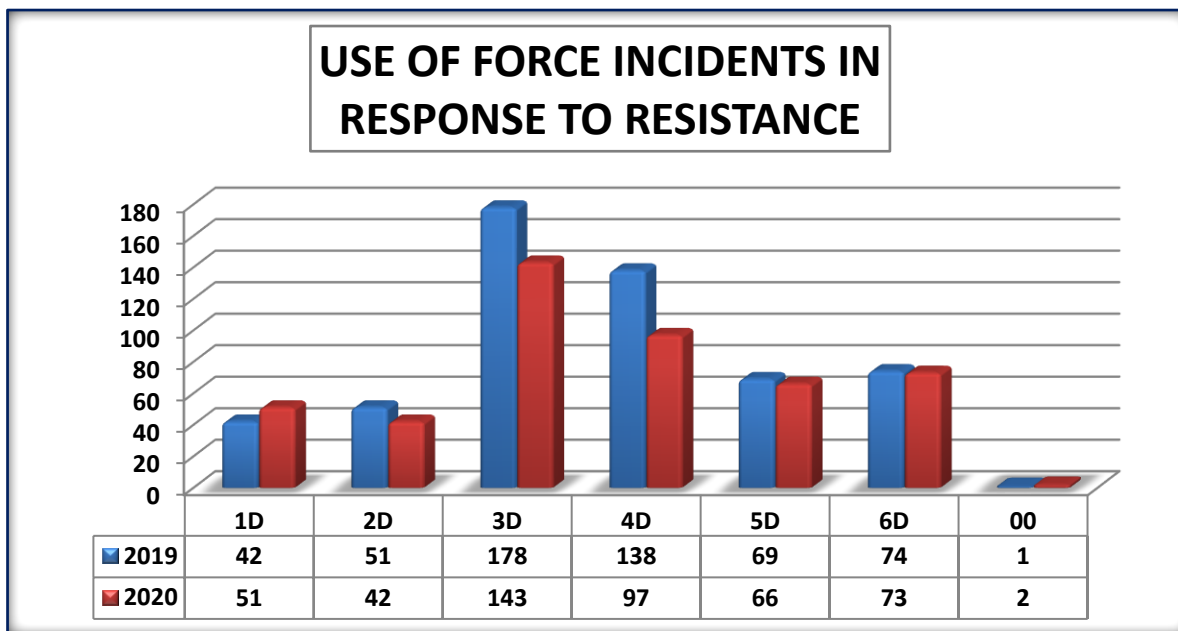
USE OF FORCE IN RESPONSE TO RESISTANCE-DISTRICT OF OCCURRENCE

In 2020, use of force incidents in response to resistance reported in *Silver Spring* (3D) and *Wheaton* (4D) comprised more than half of the use of force incidents reported, which was also the case in 2019.

As shown in the chart on the next page, five districts, *Bethesda* (2D), *Silver Spring* (3D), *Wheaton* (4D), *Germantown* (5D), and *Gaithersburg* (6D) all experienced decreases in the number of reported use of force incidents in response to resistance in 2020 compared to 2019. *Rockville* (1D) was the only district which experienced an increase in the number of use of force incidents in response to resistance reported compared to the previous year.

The data shows that most of the reported use of force incidents occur in *Silver Spring* (3D) and *Wheaton* (4D). This is consistent with these districts also accounting for a significant percentage of the department’s overall calls for service and total arrests. In addition to other circumstances, the department’s use of force requires officers to submit use of force report for any encounter where force is used to counteract a physical struggle (including the use of hands which accounted for 52% of the incidents reported in 3D and 4D), following the use of any force which results in an injury to an individual, and when an individual claims to have been injured as a result of use of force, as part of the department’s commitment to transparency and accountability in its use of force reporting. Based on these parameters, it would therefore be expected that these two districts would account for a large percentage of the overall use of force reports completed by the officers assigned to these busy districts.

Compared to other districts, 3D and 4D responded to nearly 5% more calls for service than other districts.



Note: District '00' refers to incidents reported that occurred outside Montgomery County.

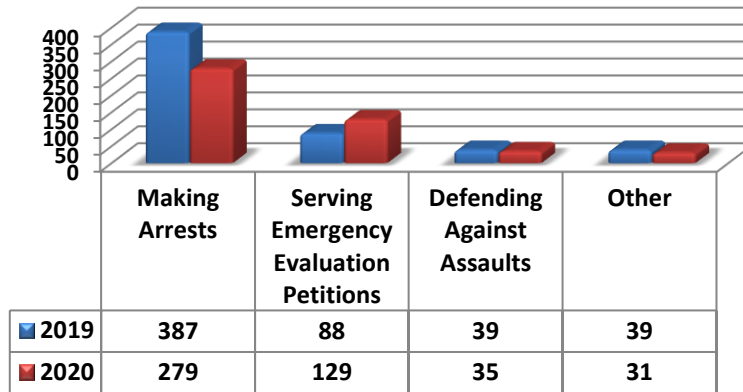
Note: The uses of force incidents summarized in this report are based on the location (*i.e., district*) where force in response to resistance was used, not necessarily the district that the officers are assigned to or where the event may have originated.

ACTIVITY WHEN FORCE IN RESPONSE TO RESISTANCE WAS USED

In 2020, *making or attempting to make an arrest, serving emergency evaluation petitions, and defending against assaults* accounted for 94% of the activities where officers needed to employ some type of force in response to resistance, compared to 93% reported in 2019.

The activity-related data reported in 2020 compared to 2019 is shown in the chart on the next page.

ACTIVITY WHEN FORCE IN RESPONSE TO RESISTANCE WAS USED



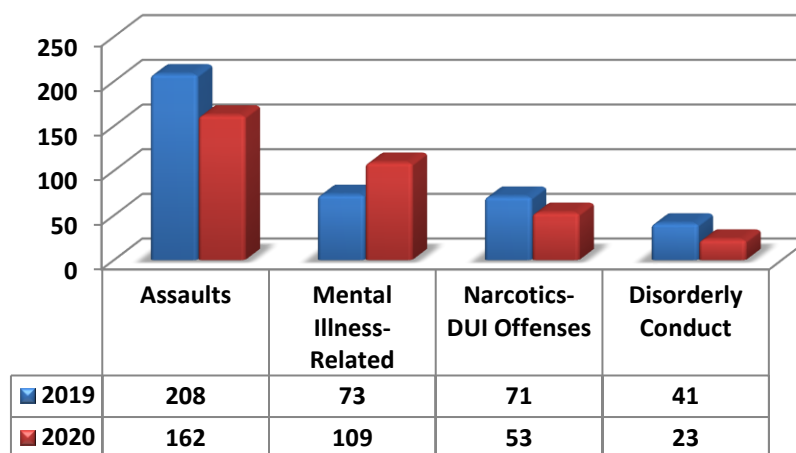
The category of “Other” includes situations such as *traffic stops*, *serving search warrants*, and *transporting prisoners*, which accounted for 7% of the activities in 2020, which is consistent with 7% in 2019.

OFFENSES WHERE FORCE IN RESPONSE TO RESISTANCE WAS USED

Assaults, *mental illness-related calls*, *narcotics/DUI offenses* and *disorderly conduct* accounted for 73% of the use of force in response to resistance incidents reported in 2020, compared to 71% in 2019. The remaining percentage of incidents involved various other offenses such as *larceny*, *burglary*, *weapons offenses*, *vandalism*, *trespassing*, and *other miscellaneous calls for service*.

A comparison of the *primary offenses* that comprised the majority of incidents where force was used in response to resistance in 2020 and 2019 is shown in the chart below.

PRIMARY OFFENSE TYPES

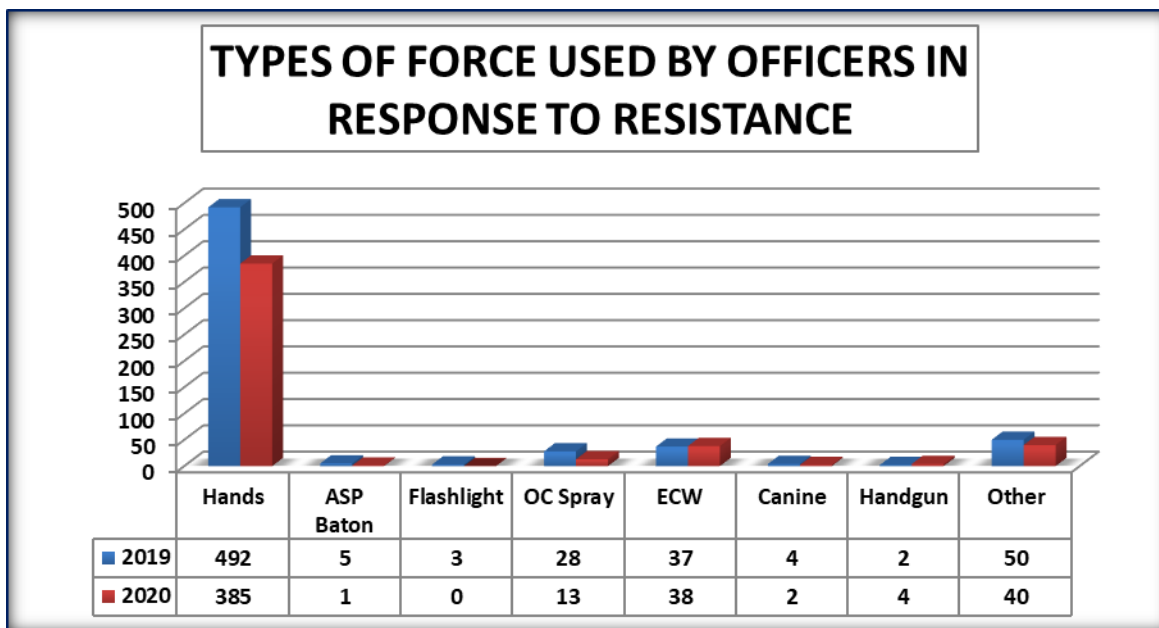


The *primary offense type* that reflected the only increase in 2020 was *mental illness-related offenses* which increased 49% compared to the previous year.

TYPES OF FORCE USED BY OFFICERS AND SUBJECTS

Officers

The following series of charts show the breakdown of the leading *types of force* used by *officers* and *subjects* in 2020 compared to 2019.



The type of force most widely used by officers in response to resistance in 2020 was *hands*, which were used in 80% of the incidents reported, compared to 79% in 2019. Other types of force used by officers in response to resistance in 2020 included *knees* and *feet*.

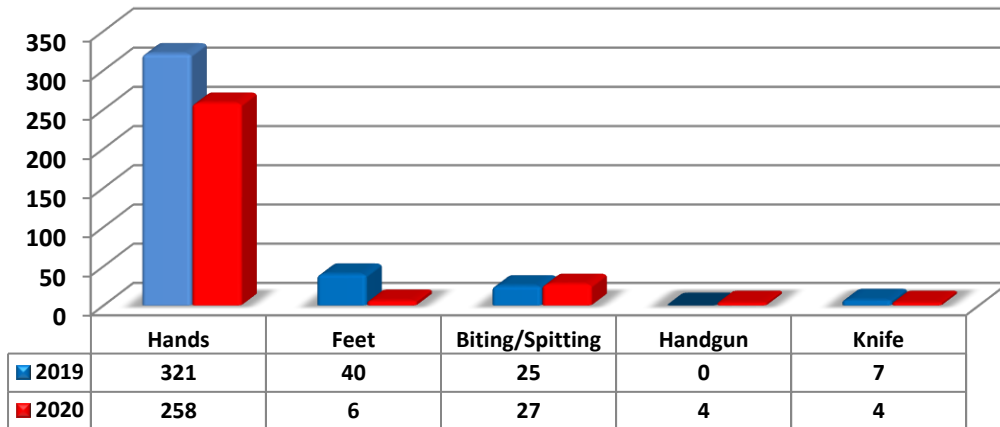
In addition, in 2020 compared to 2019, *baton* and *flashlight* use decreased by 80% and 100% respectively and use of *OC Spray* and *K9 deployment* decreased 54% and 50% respectively. There was also an increase of 3% (*1 more deployment*) reported in the use of *Electronic Control Weapons* (ECWs) in 2020 compared to the previous year. Officers discharged their service weapons in four incidents in 2020 which are summarized in the *In-Custody Deaths and Deadly Force Incidents* section of this report.

Note: It is important to point out that in some instances, more than one type of force in response to resistance may be used by one or more officers in an attempt to make an arrest or control a situation. During most calls for service, a primary officer is dispatched and at least one additional officer responds as a back-up unit. Consequently, in the majority of the circumstances where force in response to resistance is used, two or more officers are typically involved.

Subjects

The chart on the next page shows the breakdown of the leading *types of force* used by *subjects* against officers in 2020 compared to 2019.

TYPES OF FORCE USED AGAINST OFFICERS BY SUBJECTS



Note: In some incidents, there were subjects (and multiple subjects) that used more than one type of force against officers. The chart does not reflect 'other' types of force used by subjects.

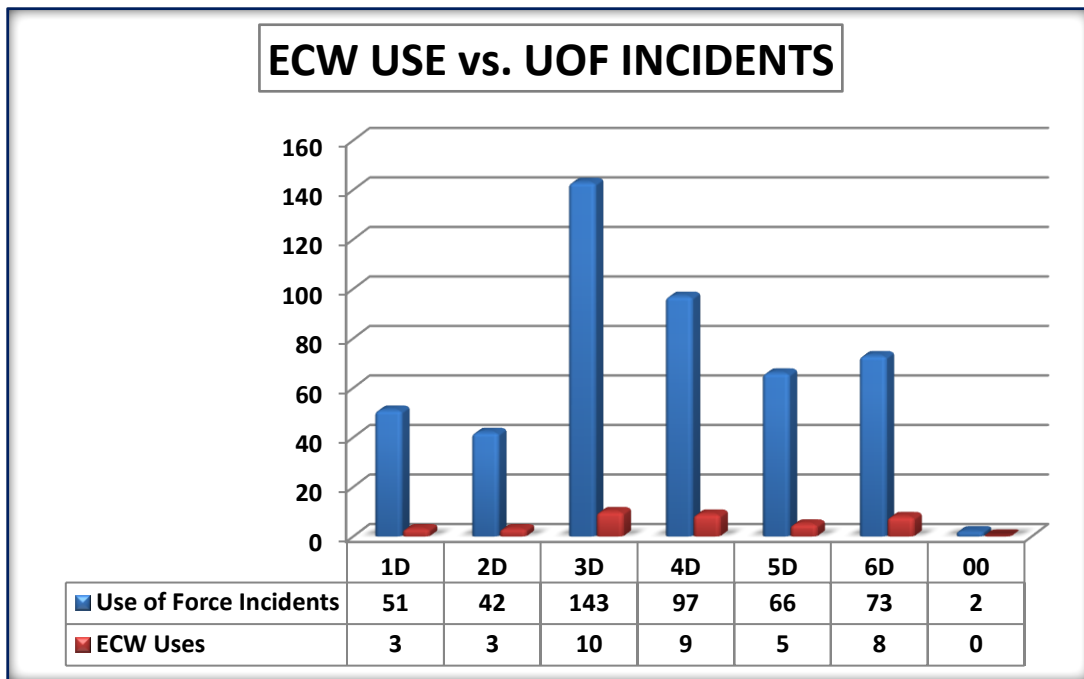
As is the case with the types of force used by officers, *hands* were also the most common type of force used by *subjects* against officers in 2020, which accounted for 87% of incidents compared to 77% in 2019. In 2020, there was a decrease in subjects' use of *feet* (85%) and the use of a *knife* toward officers (43%). Other types of force used by *subjects* against officers included a *rock*, a *lit cigarette*, *lamp*, and *shards of broken glass*.

ELECTRONIC CONTROL WEAPONS

The department currently has 345 officers that are qualified and authorized to carry *Electronic Control Weapons* (ECWs). These officers are required to complete extensive training and certification prior to being issued an *ECW*. This training requires officers to attend 40 hours of *Crisis Intervention Training* (CIT), and after successful completion, officers are also required to complete annual recertification training to be authorized to continue to carry an *ECW*.

Note: The department is in the process of developing a multi-year plan to issue *ECWs* to all officers whose assignments routinely involve public contact.

In 2020, an *ECW* was deployed 38 times (*in 32 incidents*) compared to 37 uses (*in 35 incidents*) in 2019. The chart on the next page shows *ECW use by district* compared to the total number of reported use of force (UOF) incidents in that district in 2020.



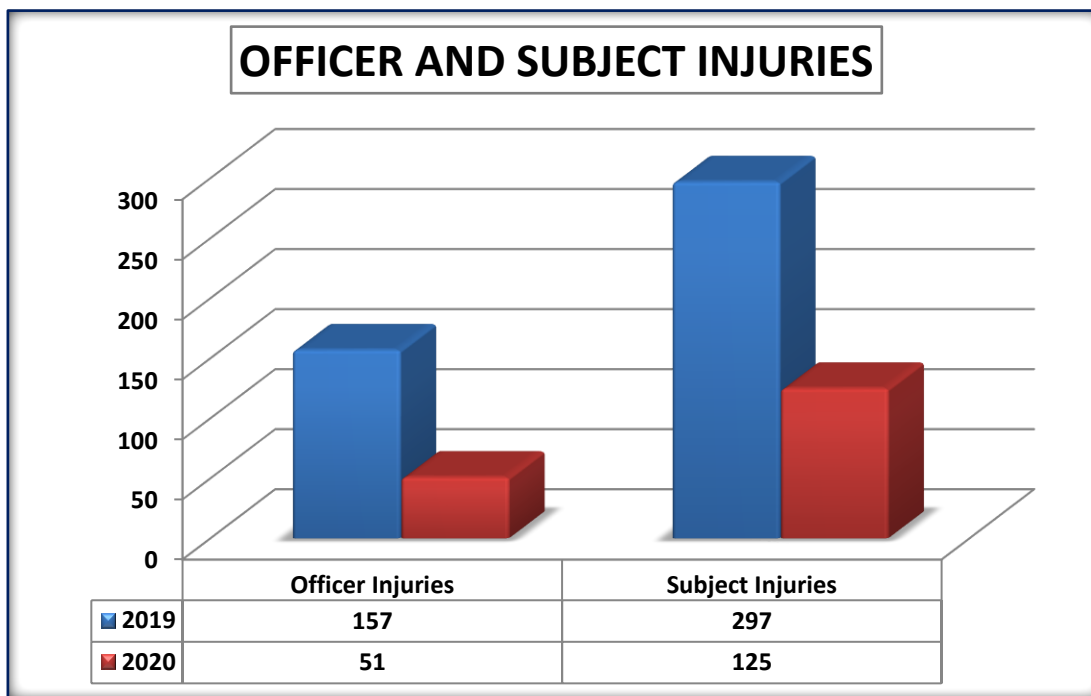
Note: District designation '00' represents those incidents that occurred outside Montgomery County.

The data shows an *ECW* usage rate of 8% in 2020 compared to 7% in 2019. Historically, *Silver Spring* (3D) and *Wheaton* (4D) are the districts where officers traditionally respond to a large number of calls for service and involve offenses that often result in arrests where some type of force in response to resistance is necessary, including more frequent use of protective instruments such as *ECWs*.

As noted earlier in this report, 51% of the use of force reports completed in 2020 were for incidents reported in *Silver Spring* (3D) and *Wheaton* (4D). Additionally, in 2020, 50% of the *ECW* deployments also occurred in these same districts.

INJURIES TO OFFICERS AND SUBJECTS

The chart below compares *officer* and *subject* injuries for 2020 and 2019.



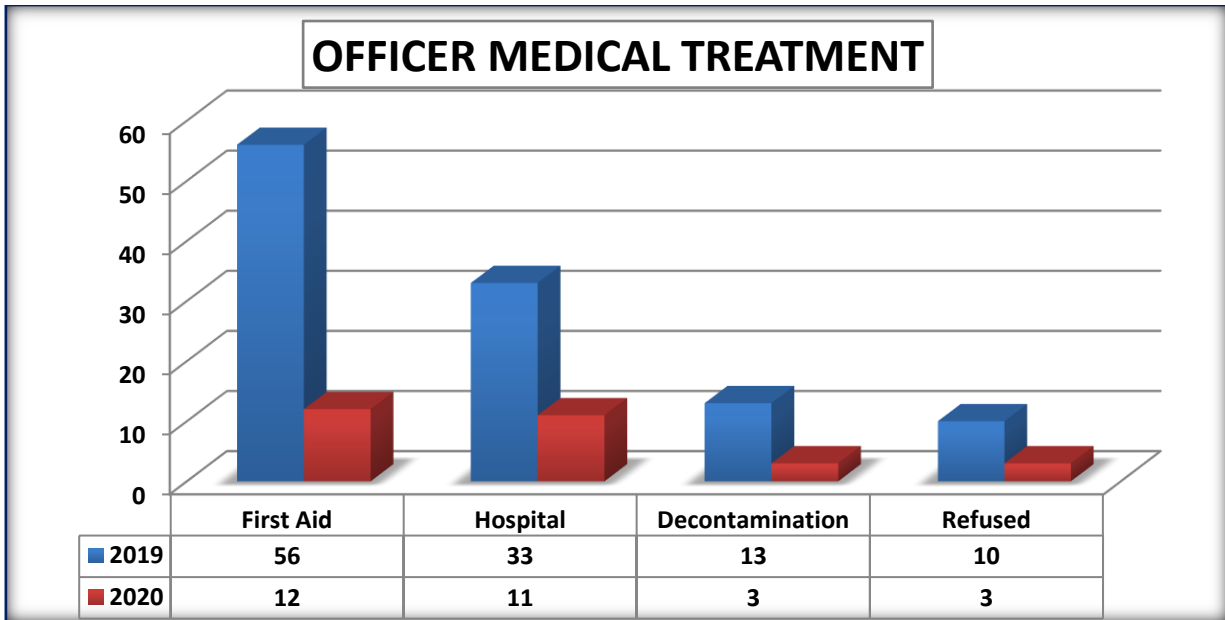
In 2020, the data shows a 68% decrease in injuries to *officers*, and a 58% decrease in reported *subject* injuries compared to the previous year. As in previous years, the majority of the injuries reported by *officers* and *subjects* were *bruises/soreness* and *lacerations/abrasions*.

MEDICAL TREATMENT FOR OFFICERS AND SUBJECTS

The following series of charts provides a summary of the types of *medical treatment* administered for *officers* and *subjects* as a result of reporting being injured in a use of force incident in 2020 compared to 2019 (*as well as those that refused medical treatment*).

Officers

The chart on the next page compares *officer medical treatment* for 2020 and 2019.

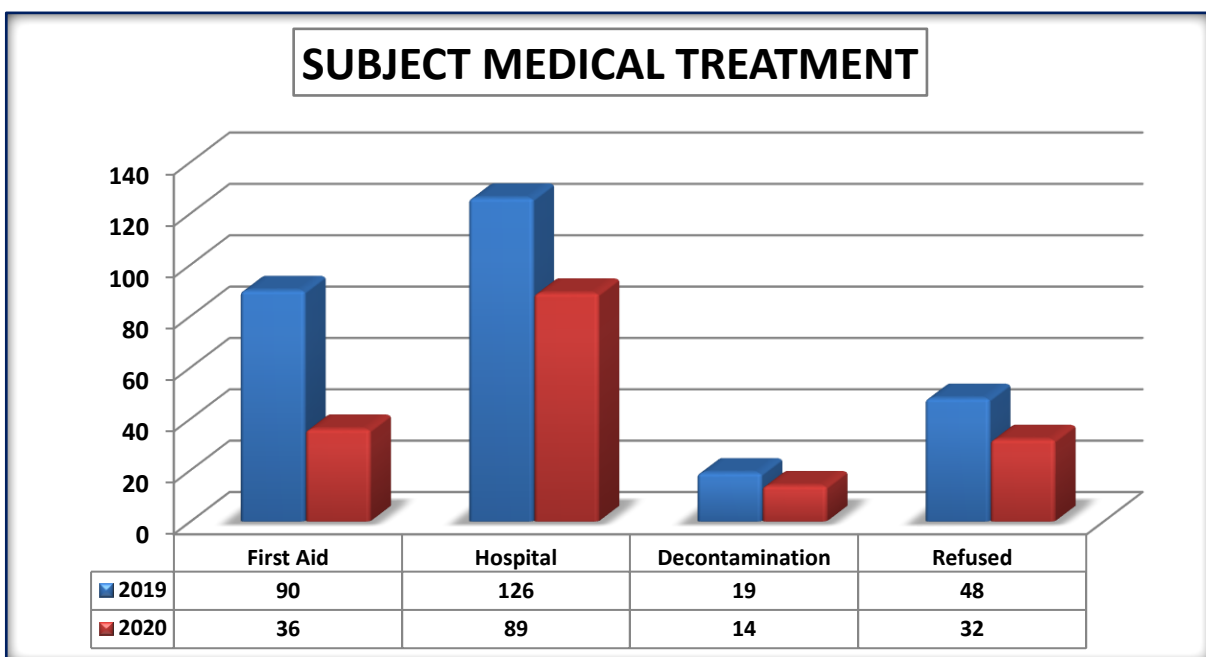


The data shows that in 2020, there was a 79% decrease in the number of officers requiring *first aid*, and a 67% decrease in the number of *officers* being transported to a *hospital* compared to the previous year. The remaining percentage of officers did not require any type of medical treatment.

Note: *Decontamination* typically refers to procedures (e.g., flushing with water) to mitigate the effects of exposure to *OC Spray* being deployed by officers as a less lethal force option which can cause irritation to the eyes, nose, and throat of both officers and subjects depending on the circumstances of the incident.

Subjects

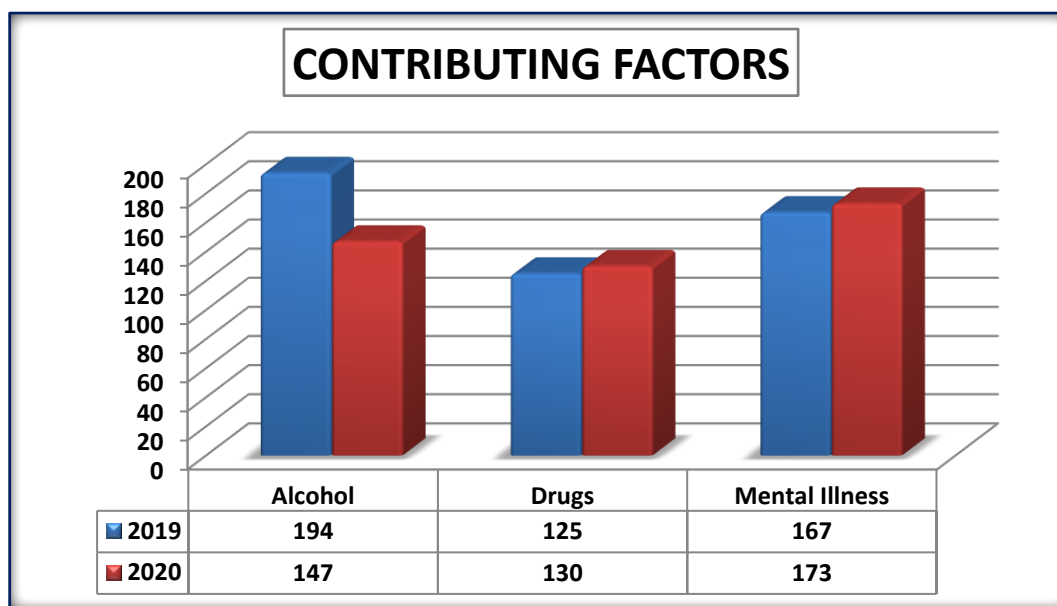
The chart below compares *medical treatment* for *subjects* in 2020 versus 2019.



In 2020, there was a 60% decrease in the number of subjects being administered *first aid*, and a decrease of 29% in *subjects* being transported to *hospitals* for treatment compared to 2019. The remaining percentage of subjects did not require any type of medical treatment.

CONTRIBUTING FACTORS

The chart below shows a summary of the *contributing factors* associated with uses of force reported in 2020 compared to 2019.



In 2020, 95% of the subjects involved in use of force incidents were reported to be *under the influence of alcohol and/or drugs* or suffering from *mental illness* at the time of the encounter, compared to 88% in 2019. In addition, there was a slight increase (4%) in the number of subjects suffering from some form of *mental illness* involved in use of force incidents. These contributing factors often result in officers needing to employ some type of force in response to resistance to safely control the situation due to an increased likelihood of non-compliance on the part of the subject(s) involved.

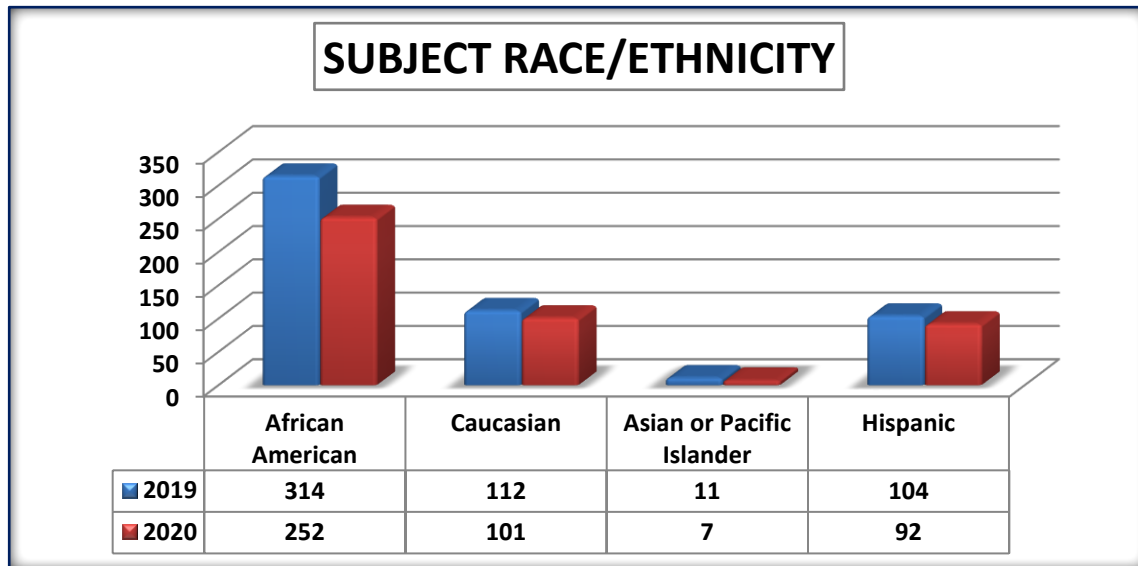
The department places significant emphasis via policy and training on taking extra precautions and care when dealing with individuals suffering from mental illness or experiencing a mental health crisis. In these situations (as well as in situations where a subject may be under the influence of alcohol or drugs), there is an increased likelihood that officers may be confronted with some level of resistance due to the subject's diminished mental state and/or level of impairment. In many cases, officers transport these individuals to a medical treatment facility as part of the emergency evaluation petition (EEP) process so that a proper assessment can be made by a medical/mental health professional and the appropriate paperwork and documentation needed by officers can be completed so that if warranted and charged, the individual can be safely transported and appropriately processed by Department of Corrections staff.

Note: Law enforcement is required to take mentally ill subjects into custody for transport to mental health facilities.

DEMOGRAPHICS OF SUBJECTS AND OFFICERS

Race/Ethnicity of Subjects

The following charts show a summary of the *subjects'* and *officers' race/ethnicity* in use of force incidents reported in 2020 compared to 2019.

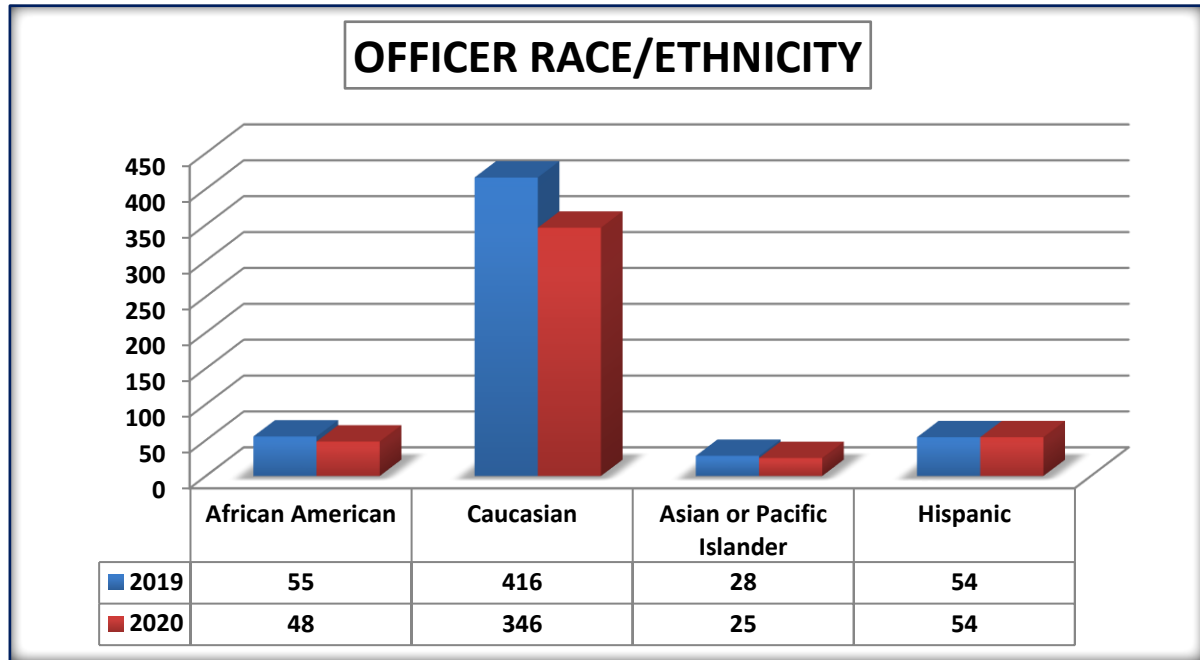


In 2020, there were decreases across all categories in the number of *African American, Asian or Pacific Islander, Hispanic, and Caucasian* subjects involved in use of force incidents of 20%, 36%, 12%, and 10% respectively, compared to 2019.

Note: In 2020, there were 4 subjects encountered where the *race/ethnicity* was reported as either 'unknown' or 'other.'

Race/Ethnicity of Officers

The chart below shows the *race/ethnicity* of the *officers* involved in use of force incidents reported in 2020.

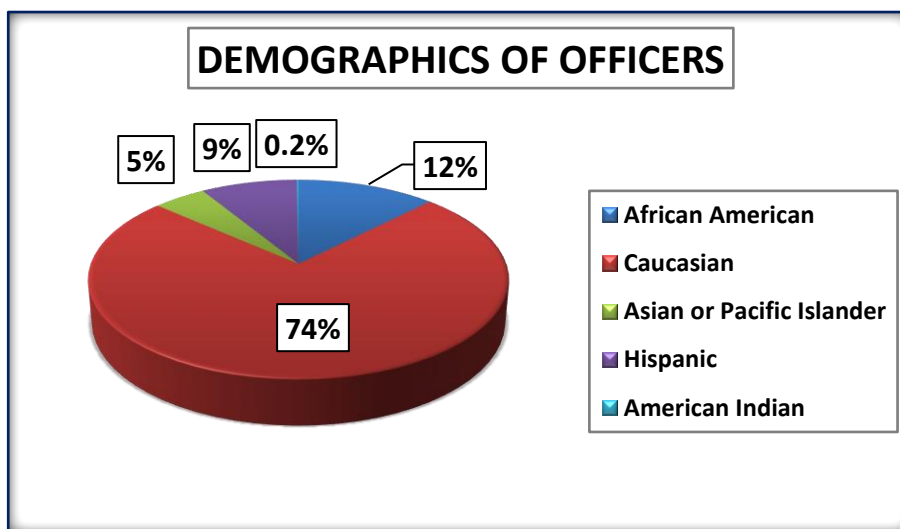


Note: Although the majority of the use of force incidents involve more than one officer, the data shown in the chart reflects the race/ethnicity of the primary officer involved.

In 2020, *African American* officers were involved in 10% of the reported use of force incidents, *Caucasian* officers were involved in 73% of incidents, *Asian or Pacific Islander* officers were involved in 5% of incidents, and *Hispanic* officers were involved in 11% of the reported use of force incidents. In 2019, 10% of the *officers* involved in encounters with subjects that resulted in some type of force in response to resistance being used were *African American*, 75% were *Caucasian*, 5% were *Asian or Pacific Islander*, and 10% were *Hispanic*.

Note: In 2020, there was one officer whose *race/ethnicity* was reported as ‘*other*.’

This information is generally consistent with the *demographics* of the department’s sworn personnel complement as of January 2021, which is reflected in the chart below.

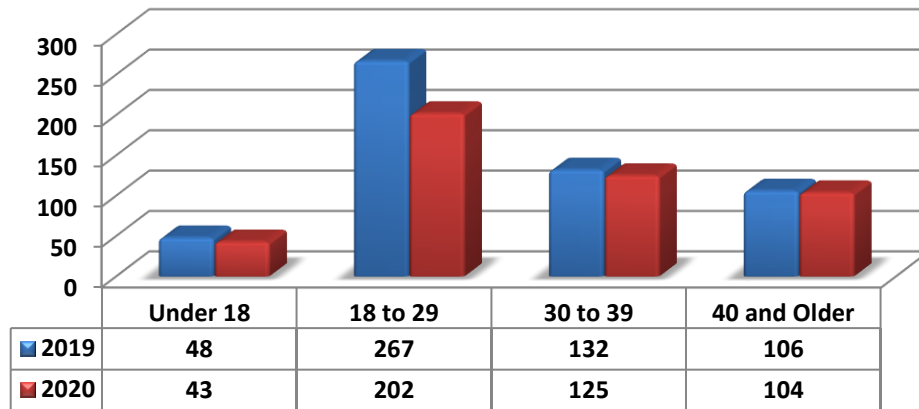


Ages of Subjects and Officers

Ages of Subjects

The chart below shows a summary of the *age groups* of the *subjects* involved in use of force incidents reported in 2020 compared to 2019.

AGE GROUPS OF SUBJECTS

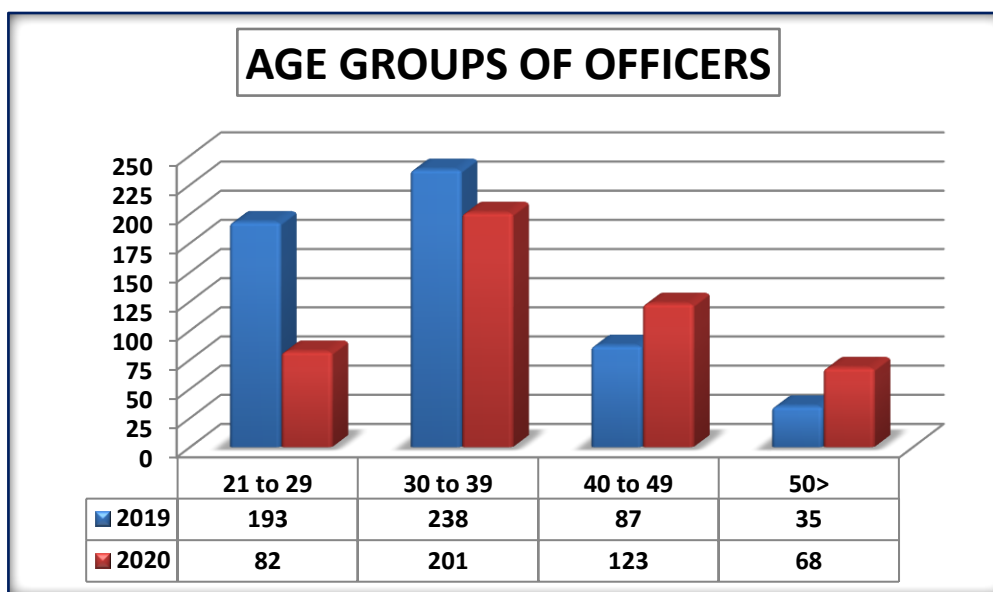


The data shows a decrease in subjects *under 18 years of age* (10%) and decreases in the ages *18 to 29* and *30 to 39* age groups of 24% and 5% respectively in 2020 compared to 2019. The number of subjects in the *40 and older* age group remained consistent with the previous year, with only a 2% decrease.

Subjects in the *18 to 39* age groups were involved in 78% of the use of force incidents in 2020, compared to 72% in 2019. The average age of the *subjects* across all age groups for 2020 was 32 compared to 31 in 2019.

Ages of Officers

The chart below is a summary of the *age groups* of the primary *officers* involved in use of force incidents reported in 2020 compared to 2019.



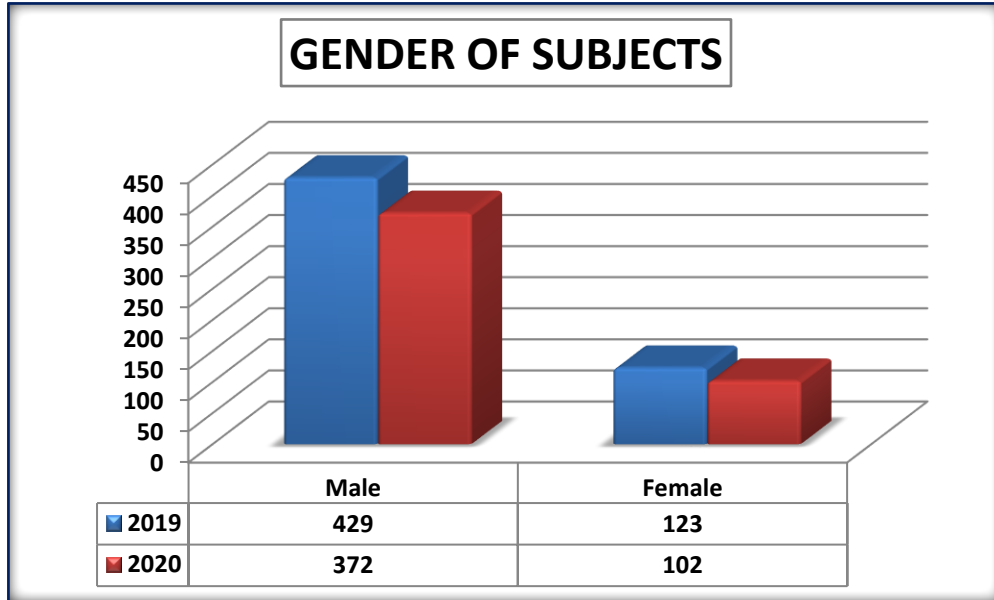
The data shows that in 2020, the number of officers in the *21 to 29* and *30 to 39* age groups decreased 58% and 16% respectively compared to 2019. The number of officers in the *40 to 49* and ages *50 and older* age groups increased 41% and 94% respectively.

The percentage of officers in the *21 to 39* age groups in 2020 was 60%, compared to 78% in 2019. The average age of the officers involved in use of force incidents in 2020 was 38, compared to 34 in 2019.

Gender

Subjects

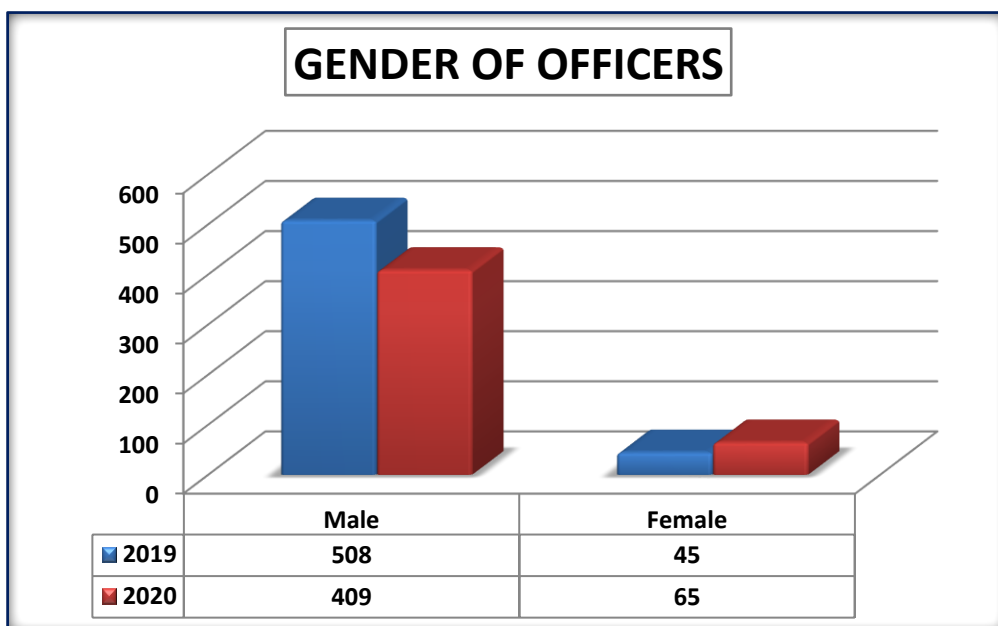
The chart on the following page is a summary of the *gender of the subjects* involved in use of force incidents reported in 2020 compared to 2019.



The data indicates that there was a decrease of 13% in the overall percentage of *male* subjects involved in use of force in response to resistance incidents in 2020 compared to 2019. Additionally, there was a 17% decrease in the number of *female* subjects in 2020 compared to the previous year. The overwhelming majority of the *subjects* involved in use of force incidents in 2020 (79%) were *male*.

Officers

The chart below provides a comparison of the *gender of the officers* involved in use of force incidents reported in 2020 and 2019.

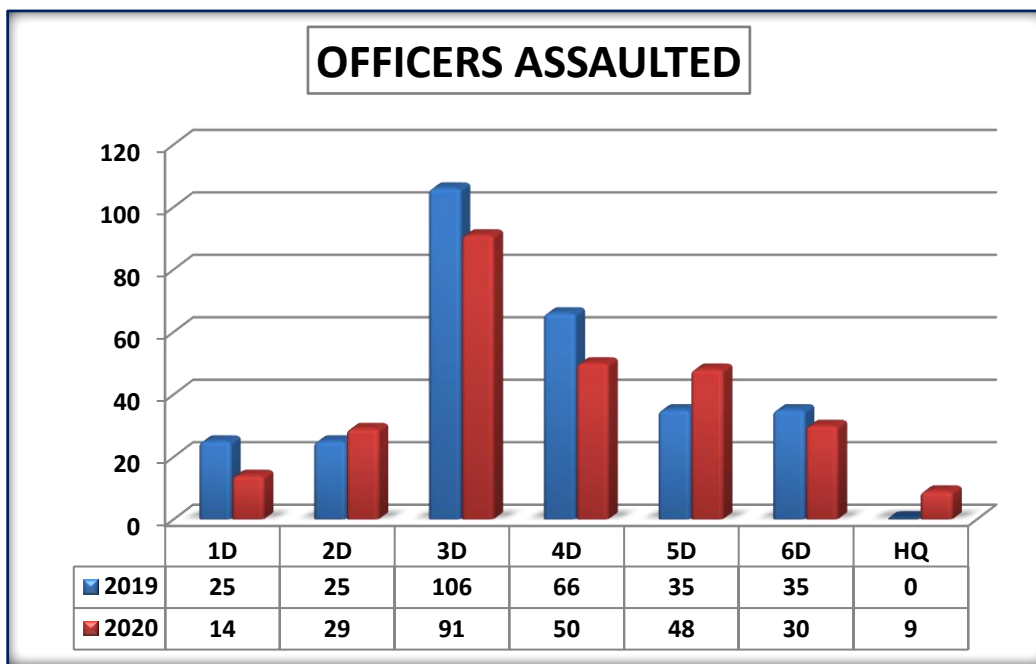


The data shows that in 2020, there was a 20% decrease in the number of *male* officers reported involved in use of force in response to resistance incidents, and a 44% increase in the number of *female* officers compared to the previous year. In 2020, 86% of the *officers* involved in use of force incidents in response to resistance were *male*, compared to 91% in 2019.

OFFICERS ASSAULTED/AMBUSHED

For state and federal reporting requirements, the department records information when an officer reports being *assaulted* or *ambushed*. In 2020, officers reported being assaulted 271 times compared to 292 times in 2019, a decrease of 7%. Two officers reported being ambushed in 2020, while zero reported an ambush in 2019.

The chart below compares *assaults on officers* by district of occurrence for 2020 and 2019.



Note: HQ represents those incidents that involved SID and/or SOD personnel.

The data indicates that in 2020, the majority of assaults against officers (52%) occurred during activities by officers in *Silver Spring* (3D) and *Wheaton* (4D), compared to 59% in these districts in 2019. The districts that experienced increases in *assaults on officers* in 2020 were *Bethesda* (2D) and *Germantown* (5D), with 16% and 37% respectively. These assaults occurred while officers were engaged in responding to calls involving a variety of offenses, including *robberies, burglaries, domestic violence-related events, assaults, narcotics-related offenses, and disorderly conduct*.

IN-CUSTODY DEATHS AND DEADLY FORCE INCIDENTS

An *in-custody death* generally refers to the death of an individual while in the custody of law enforcement officers when the death is not directly caused by a use of deadly force.

Death may occur from contributing circumstances, such as medical problems, that are identified or develop while a person is in police custody. No in-custody deaths occurred in 2020, the same number reported in 2019.

Deadly force is defined as any use of force that is intended to or likely to cause a substantial risk of death or serious physical injury. Officers may use deadly force to defend themselves or another person from what they reasonably believe is an imminent threat of death or serious physical injury. All incidents that involve the use of deadly force or in-custody deaths are investigated by the department's Major Crimes Division (MCD), and in certain circumstances, these cases are reviewed by agencies outside the department.

There were four deadly force-related incidents that occurred in 2020, compared to two reported in 2019. A brief summary of the deadly force incidents that occurred in 2020 is provided below. All officers have been cleared by an independent review by the Howard County State's Attorney's Office (SAO), via a formal arrangement between the SAO's of both Montgomery and Howard counties.

Deadly Force Incidents

February 12, 2020

Officers identified a suspect in Virginia Beach, VA in connection with a 1992 homicide in Comus, MD. A confrontation during the arrest attempt resulted in officers using deadly force against the suspect, who succumbed to his injuries on the scene.

March 12, 2020

Officers were in the process of serving a search warrant related to a firearms offense in Potomac when they were confronted by the suspect, who was armed with a rifle. During the confrontation, the suspect was shot by officers and succumbed to his injuries.

May 7, 2020

Patrol units were dispatched for the report of a male causing a disturbance while armed with a knife in Silver Spring. Arriving units were confronted by a suspect armed with a large knife, who after refusing to comply with the officer's verbal commands, charged the officer with the knife. During the confrontation, the suspect was shot by the police officer. The suspect was transported to a local hospital where he succumbed to his injuries.

November 17, 2020

Officers were informed of a male suspected of committing a homicide in Florida, and who had been tracked to Montgomery County. While attempting to arrest the suspect in Laurel, the suspect opened fire on the officers, who then returned fire. During the confrontation, one officer was shot, and the suspect was shot and killed. The officer was treated at a local hospital.

SUMMARY

The department continues to provide use of force training at all levels, to include recruit, in-service, and supervisory, that emphasizes current case law, policy requirements, and best practices consistent with federal, state, and national standards and guidelines. The use of any type of force by MCPD officers in response to resistance continues to constitute a very small percentage compared to the overall calls for service that officers respond to on a daily basis and contacts they have during traffic stops and other activities. The need to use force, whether deadly or non-deadly, is one of the most demanding and critical decisions that a law enforcement officer must make. The department respects the sanctity of every human life and the application of deadly force is a measure only employed in the most extreme circumstances.

Public perceptions of the police department are largely based on individual experiences and can certainly impact the legitimacy of police actions, especially those actions that involve police use of force in response to resistance. The misuse of force violates the rights of the person against whom it is used, and it violates the trust that the public places in its police department. The public expects and deserves a culture of transparency, accountability, fairness, trust, and respect, and every member of this department is held accountable for their actions. In today's environment of heightened public expectations and scrutiny of police department operations, it is important to emphasize that regardless of how well the department believes it is fulfilling its mission, the ultimate measure of success is how well the department is able to earn and sustain the trust and respect of the residents of Montgomery County.



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